

## Message Text

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ACTION IO-13

INFO OCT-01 ARA-10 ISO-00 HEW-06 AID-05 MED-03 L-03  
H-02 AGRE-00 DEAE-00 CIAE-00 INR-07 JUSE-00  
NSAE-00 SNM-02 TRSE-00 USIA-15 NSC-05 OES-06  
OMB-01 /079 W  
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P R 182112Z MAR 77  
FM AMEMBASSY QUITO  
TO SECSTATE WASHDC PRIORITY 3595  
INFO AMEMBASSY GENEVA

UNCLAS QUITO 1805

FOR: LA/SA

E.O. 11652: N/A  
TAGS: SNAR  
SUBJECT: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF MARIHUANA

REF: STATE 057902; STATE 57055

1. THE GOE HAS THE FOLLOWING LEGAL PROVISIONS GOVERNING THE TRAFFICKING  
IN OR THE POSSESSION AND USE OF MARIHUANA (INCLUDES OTHER DRUGS AND  
NARCOTICS):  
A. NO PERSON MAY POSSESS ANY QUANTITY OF MARIHUANA WITHOUT LEGAL  
AUTHORIZATION, WHETHER IN CLOTHING, SUITEASES, AT HOME, IN THE OFFICE  
,  
OR ANY OTHER PLACE UNDER HIS/HER JURISDICTION.  
B. THOSE WHO ILLEGALLY USE MARIHUANA SHOULD (SIC) SUBJECT THEMSELVES  
TO DETOXIFICATION (SIC) AND REHABILITATION TREATMENT DURING A PERIOD  
TO BE DETERMINED BY THE APPROPRIATE PHYSICIAN OF THE NATIONAL  
DIRECTORATE OF HEALTH.  
C. THOSE WHO ILLEGALLY CONSUME MARIHUANA WHO REFUSE IN ANY MANNER  
TO SUBMIT TO TREATMENT ORDERED BY THE PHYSICIANS OF THE NATIONAL  
DIRECTORATE OF HEALTH WILL BE OBLIGATORILY INTERNED IN A HEALTH  
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CENTER FOR THE TIME NECESSARY FOR THEIR REHABILITATION.  
NOTE: UNDER THE CURRENT NARCOTICS LAW, THERE IS NO PRISON SENTENCE  
FOR THE USE OF MERE POSSESSION OF MARIHUANA OR ANY OTHER DRUG OR  
NARCOTIC.

2. TRAFFICKING IS DEFINED AS ANY COMMERCIAL TRANSACTION OF ANY  
KIND, FREE OR OTHERWISE, INVOLVING MARIHUANA (OTHER DRUGS AS WELL),

MADE AMONG PERSONS OR INSTITUTIONS, WITHOUT THE AUTHORIZATION OF THE NATIONAL DIRECTORATE OF HEALTH. PRISON SENTENCES OF FROM SIX MONTHS TO FIVE YEARS WILL APPLY TO THOSE WHO TRAFFIC IN MARIHUANA, ACCORDING TO THE FOLLOWING SCHEDULE:

- A. TRAFFICKERS FROM 18 UP TO 20 YEARS OF AGE MAY BE PUNISHED BY SIX MONTHS TO ONE YEAR IN PRISON.
- B. TRAFFICKERS OVER 20 AND UP TO 22 YEARS OF AGE MAY BE PUNISHED BY ONE TO TWO YEARS IN PRISON.
- C. TRAFFICKERS OVER 22 YEARS OF AGE MAY BE PUNISHED BY TWO TO FIVE YEARS IN PRISON.

3. THE STRICTNESS WITH WHICH THESE PROVISIONS ARE ENFORCED DOES NOT AMOUNT TO MUCH. FOR EXAMPLE:

- A. THE MAJORITY OF THOSE ARRESTED FOR TRAFFICKING IN MARIHUANA ATTEMPT TO APPEAR AS USERS ONLY AND, WITH THE SERVICES OF A COMPETENT LAWYER, USUALLY GAIN THEIR RELEASE.
- B. THE CURRENT NARCOTICS LAW IS RIDDLED WITH AMBIGUITIES AND IS QUITE DIFFICULT TO INTERPRET. IN MANY CASES, THE JUDGES ARE CONFUSED AND DO NOT KNOW TO APPLY THE LAW.

4. IN SUMMARY, THE CURRENT NARCOTICS LAW IS WEOFULLY INADEQUATE AND NEEDS REVISION IN ORDER TO CLARIFY IT AND BRING ABOUT ITS UNIFORM APPLICATION. AS IT STANDS AT THE PRESENT TIME, THE POSSESSION OR USE OF MARIHUANA AND ALL OTHER DRUGS IS NOT A CRIMINAL OFFENSE AND CARRIES NO PUNISHMENT OTHER THAN FORCED DETOXIFICATION AND/OR REHABILITATION.  
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## Message Attributes

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